



PAC
HW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:)	
Seong Hyun Kim et al.)	Examiner: Quach, Tuan N
Serial No.: 10/722,818)	Art Unit: 2826
Filed: November 25, 2003)	
For: VERTICAL STRUCTURE THIN FILM)	
TRANSISTOR)	

Mail Stop: PETITIONS
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ABANDONMENT AND PETITION TO REVIVE

Sir:

This is in response to a Notice of Abandonment indicating that the subject application is abandoned for failure to timely pay the required Issue Fee and Publication Fee. In response, Applicant hereby petitions to revive the subject application on the grounds of unavoidable delay.

In particular, after receiving the Notice of Abandonment, Applicant checked the file history of the subject application using Private Pair and determined that a Notice of Allowance was allegedly mailed April 20, 2006 with an Issue Fee due date of July 20, 2006. In this connection, the undersigned has reviewed the entire file for the above-identified application and has determined that the application file does not contain a copy of the Notice of Allowance allegedly mailed April 20, 2006.

Additionally, attached hereto as Exhibit 1 is a copy of the entire docket of the law firm responsible for the above-identified application for July 20, 2006 containing the pages where, if a Notice of Allowance had been received, its docket entry would have appeared. In particular, the law firm for Applicant's attorney docket number for the subject application is 2013.P135. Had the Notice of Allowance for the subject application been received, it would have appeared at page 2 of the docket between client matters 2013.P118, and 2240.P144. Possibly Confidential matter has been blacked out.

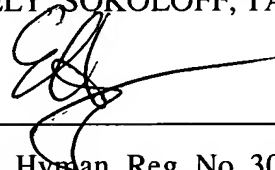
Since Applicant's attorney file for the subject application does not contain the Notice of Allowance, and since Applicant's attorney's docket does not have a docket entry for the Notice of Allowance, Applicant submits that it has been adequately demonstrated that the Notice of Allowance was not received by Applicant's attorney and, therefore, the failure to timely pay the Issue Fee was unavoidable.

Attached hereto is the Declaration of Eric S. Hyman, the attorney responsible for the subject application in support of the foregoing. In the event any Petition fee is required for consideration of this submission, Applicant hereby so petitions. Additionally, since this Petition became necessary due to no fault of Applicant or Applicant's representatives, request for refund is hereby made.

Additionally Applicant hereby requests that a new Notice of Allowance and Issue Fee due be mailed, resetting the due date to pay the Issue Fee.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN



Eric S. Hyman, Reg. No. 30,139

Dated:

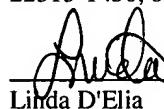
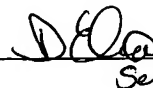
9/7/06

12400 Wilshire Blvd., 7th Floor
Los Angeles, California 90025-1026
(310) 207-3800

Attachments: Exhibit 1 a copy of the entire docket
Declaration of Eric S. Hyman

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: Petitions: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 9-7-2006.


Linda D'Elia

9-7-06
Sept. 9, 2006



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/722,818
		Filing Date	November 25, 2003
		First Named Inventor	Seong Hyun Kim
		Art Unit	2826
		Examiner Name	Tuan N. Quach
Total Number of Pages in This Submission	5	Attorney Docket Number	2013P135

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">See REMARKS below</div>
Remarks Response To Notice of Abandonment and Petition To Revive with Exhibit 1; Declaration of Eric S. Hyman; and return postcard		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric S. Hyman, Reg. No. 30,139 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	9/7/06

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Linda D'Elia		
Signature		Date	9-7-06



FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/722,818
Filing Date	November 25, 2003
First Named Inventor	Seong Hyun Kim
Examiner Name	Tuan N. Quach
Art Unit	2826
Attorney Docket No.	2013P135

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Eric S. Hyman	Registration No. (Attorney/Agent)	30,139	Telephone	(310) 207-3800
Signature		Date	9/2/06		